


AUG 13 2013

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

JULIA C. DUDLEY, CLERK
BY: 
DEPUTY CLERK

UNITED STATES OF AMERICA,)	
)	Criminal No. 5:95cr70046-1
)	
v.)	<u>2255 MEMORANDUM OPINION</u>
)	
OMAR YUSUF DESANGES.)	By: Samuel G. Wilson
)	United States District Judge

Omar Yusuf Desanges, a federal inmate proceeding *pro se*, filed a motion to vacate, set aside, or correct sentence, pursuant to 28 U.S.C. § 2255, challenging his 1996 conviction and sentence. Upon review of the record, the court finds that Desanges' instant § 2255 motion must be dismissed as an unauthorized successive motion.

I.

Desanges challenges his life sentence for drug-related murder, conspiring to possess with the intent to distribute cocaine base, and possessing a firearm during a drug trafficking offense. Court records indicate that Desanges previously filed a § 2255 motion regarding the same conviction and sentence which this court denied. See Civil Action No. 7:02cv00126. This court may consider a second or successive § 2255 motion only upon specific certification from the United States Court of Appeals for the Fourth Circuit that the claims in the motion meet certain criteria. See § 2255(h). As Desanges has not submitted any evidence of having obtained certification from the Court of Appeals to file a second or successive § 2255 motion, the court must dismiss his petition as successive.¹

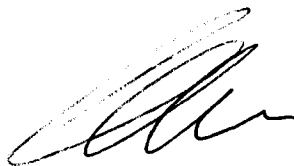
¹ Petitioner is hereby advised of the procedure for obtaining certification from the United States Court of Appeals for the Fourth Circuit to have this court review a successive § 2255 motion. Petitioner must submit a copy of the successive § 2255 motion to the Court of Appeals, along with a motion requesting a three-judge panel certification that the district court may review the successive § 2255 motion. See 28 U.S.C. § 2244 (as amended, 1996). A Fourth Circuit form and instructions for filing this motion will be included with this notice or are available from the Fourth Circuit at the following address: Office of the Clerk, United States Court of Appeals for the Fourth Circuit, 900 E. Main St., Richmond, VA 23219.

II.

For the reasons stated, the court dismisses Desanges' motion as an unauthorized successive § 2255 motion.

The Clerk is directed to send copies of this Memorandum Opinion and the accompanying Order to the parties.

ENTER: This 13th day of August, 2013.



United States District Judge